



City of Norfolk

Office of the City Manager

C: Dir., Director of Public Works

September 19, 2006

To the Honorable Council
City of Norfolk, Virginia

Re: Encroachment – fiber optic cable

Ladies and Gentlemen:

I. **Recommended Action:** Adopt ordinance.

II. **Overview**

This agenda item is an encroachment to permit Instant Technologies, Inc. to encroach into the right of way of Norfolk Square to connect 957 Norfolk Square with 883 Norfolk Square with a private fiber optic cable. Instant Technologies, Inc. is in the process of updating its communications between the buildings.

III. **Analysis**

A. **General**

Norfolk City Code, Section 42-10, requires all encroachments into the rights-of-way to be approved by City Council. An encroachment is an approved object or structure that encroaches into a City of Norfolk right of way. The encroachment at this location will allow the direct communications between the buildings operated by Instant Technologies, Inc.

B. **Fiscal**
NA

C. **Environmental**
NA

D. **Community Outreach/Notification**

Public notification for this item was conducted through the City of Norfolk's agenda notification process.

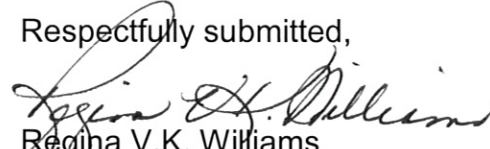
IV. Board/Commission Action

The Department of Public Works, Utilities and Planning have reviewed the request and offer no objections. Review and approval by the Norfolk Design Review Committee and the City Planning Commission was not required.

V. Conclusion

The applicant has provided the required certificate of insurance and the encroachment is subject to revocation by the City Council, therefore it is recommended that the City Council adopt the ordinance, which will allow Instant Technologies, Inc. to move forward with the underground fiber optic cable installation to connect the above two buildings.

Respectfully submitted,



Regina V.K. Williams
City Manager

Coordination/Outreach

This agenda item has been coordinated with the Department of Public Works and the City Attorney's Office.

08/21/06 wer

Form and Correctness Approved: *RAP**ASW*
Contents Approved:By *William E. Bowman*
Office of the City Attorney

NORFOLK, VIRGINIA

By *John M. Kapp*
DEPT. Public Works**ORDINANCE No.**

AN ORDINANCE PERMITTING INSTANT TECHNOLOGIES, INC. TO ENCROACH INTO THE RIGHT-OF-WAY OF NORFOLK SQUARE WITH PRIVATE FIBER OPTIC CABLE.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Instant Technologies, Inc., its successors and assigns, to encroach into the right-of-way of Norfolk Square with private fiber optic cable as shown on the encroachment map, a copy of which is attached to and made a part hereof as Exhibit A, subject to and contingent upon the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Instant Technologies, Inc., or its successors and assigns, shall immediately remove the encroaching structures.
- (2) That upon the removal of the encroaching structures or any part thereof the authority hereby granted shall cease and terminate.
- (3) That Instant Technologies, Inc., or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional insured party in the amount of at least \$300,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Instant Technologies, Inc. and its successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures; that evidence of

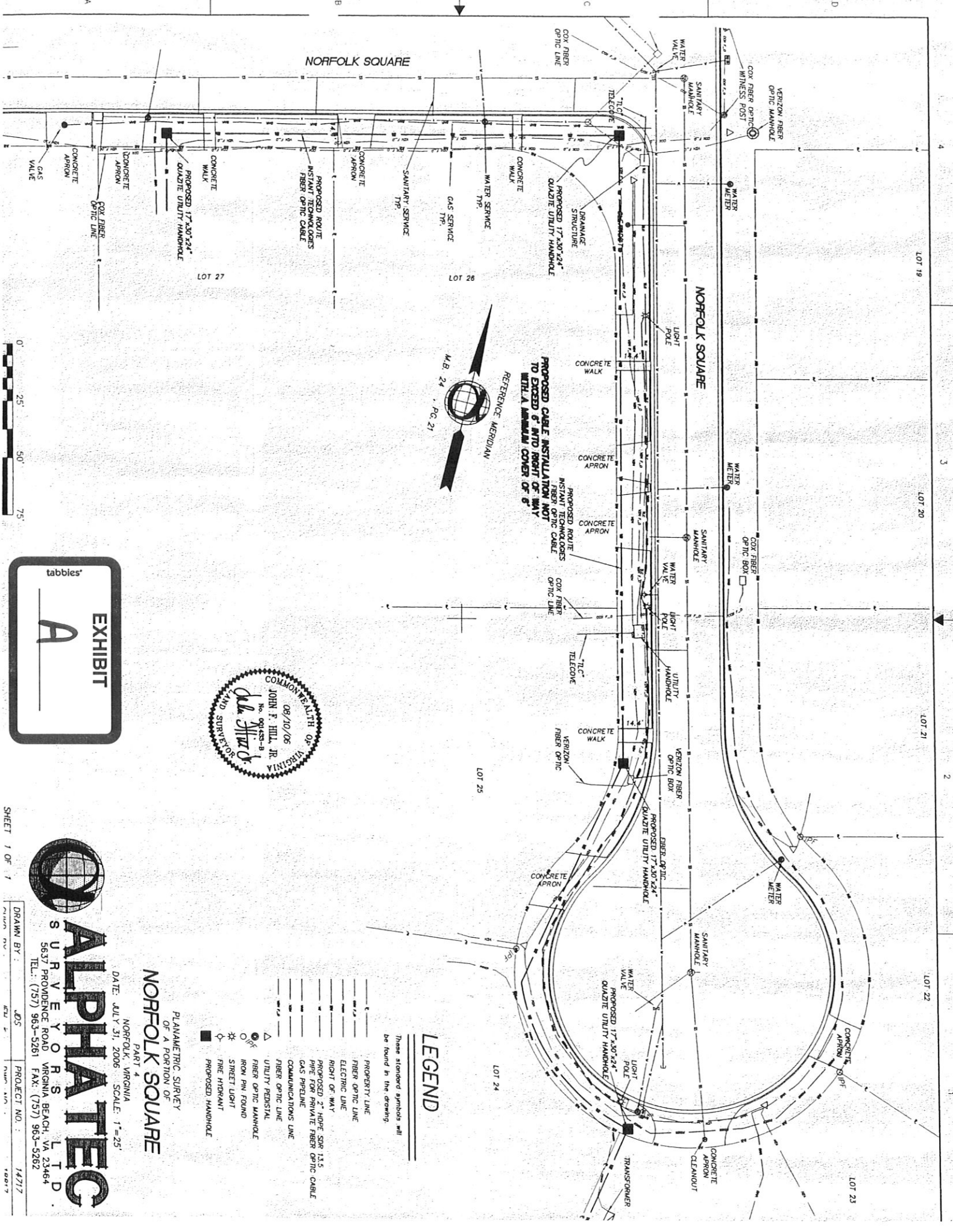
such insurance shall be filed with the Risk Manager, Department of Finance, City of Norfolk.

- (4) That the City shall not be responsible for any damage, replacement, or installation costs for any structure encroaching into the right-of-way resulting from the City's operation, maintenance, repair, or replacement of utilities located within the right-of-way.

Section 2:- That the failure of Instant Technologies, Inc. or its successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by Instant Technologies, Inc. and its successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.



PROPOSED CABLE INSTALLATION NOT TO EXCEED 8' AND RIGHT OF WAY WITH A MINIMUM COVER OF 8'

LEGEND

These standard symbols will be found in the drawing.

- PROPERTY LINE
- FIBER OPTIC LINE
- ELECTRIC LINE
- RIGHT OF WAY
- PROPOSED 2" HDPE SDR 11.5 PIPE FOR PRIVATE FIBER OPTIC CABLE
- GAS PRELINE
- COMMUNICATIONS LINE
- FIBER OPTIC LINE
- UTILITY PENETRAL
- FIBER OPTIC MANHOLE
- IRON PIN FOUND
- STREET LIGHT
- FIRE HYDRANT
- PROPOSED MANHOLE



PLANIMETRIC SURVEY OF A PORTION OF NORFOLK SQUARE

PART 4
NORFOLK, VIRGINIA
DATE: JULY 31, 2006 SCALE: 1"=25'

